

2 TO CT  
W/propo

ORIGINAL

(19)

4-10-0

SC

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIABARBARA A. WILHELM,  
Plaintiff

:

v. : NO. 1:CV-01-1057

:

COMMONWEALTH OF PA.; : (JUDGE RAMBO)  
PENNSYLVANIA STATE POLICE; :  
COLONEL PAUL J. EVANKO, :  
COMMISSIONER; LIEUTENANT :  
COLONEL THOMAS K. COURY; and :  
CAPTAIN MICHAEL. D. SIMMERS, :  
Defendants :  
:FILED  
HARRISBURG, PA

APR 09 2002

MARY E. D'ANDREA, CLERK  
Per M**MOTION FOR LEAVE TO EXCEED 15 PAGE  
LIMIT ON MEMORANDUM IN SUPPORT OF  
DEFENDANTS' MOTION FOR SUMMARY JUDGEMENT**

Defendants hereby move the Court to permit the parties to exceed the 15 page limit imposed by Local Rule 7.8 on memoranda filed in connection with defendants' motion for of summary judgment. Defendants request the parties be permitted to file memoranda each not to exceed 30 pages. In support of this motion defendants state as follows:

1. This is an employment case alleging sex discrimination and retaliation in connection with plaintiff's employment with and dismissal from the Pennsylvania State Police.

2. Plaintiff is Barbara A. Wilhelm, who was employed in the Legislative Affairs Office of the Pennsylvania State Police from January 7, 1998 until her dismissal on May 1, 2000.

3. Defendants are the State Police, Commissioner Paul J. Evanko, former Lieutenant Colonel Thomas Coury and Captain Michael D. Simmers.

4. The complaint alleges that plaintiff performed the same work as her male co-workers but was paid less. It also alleges that she was subjected to disparate treatment in the course of her employment. The complaint further asserts that plaintiff was not considered for two promotions and that eventually she was dismissed. The complaint alleges all of these actions were taken for discriminatory or retaliatory reasons.

5. The complaint asserts claims under the Equal Pay Act, 29 U.S.C. §206(d), Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*, the Pennsylvania Human Relations Act, Pa. Stat. Ann., tit. 43, §955, and the Pennsylvania Whistleblower Law, Pa. Stat. Ann., tit. 43, §1421 *et seq.*

6. Defendants filed an answer raising several defenses including, the Eleventh Amendment, the statute of limitations, failure to file timely charges before the appropriate administrative bodies, pay disparities are attributable to factors other than sex and failure to state a cause of action.

7. Discovery closed on March 30 and dispositive motions are due on April 15. Order of March 1, 2002.

8. Defendants intend to move for summary judgment on many if not all of plaintiff's claims.

9. Unless otherwise authorized, Local Rule 7.8 limits memoranda in support of pretrial motions to 15 pages.

10. Because this case presents numerous legal issues some of which require factual explication, defendants do not believe that they will be able to adequately explain their position to the court if their memorandum is limited to 15 pages. Likewise, plaintiff will be hard pressed to respond to defendants arguments if her brief is limited to 15 pages.

11. By this motion, defendants request leave of the court to submit a memorandum in support of their motion for summary judgment not to exceed 30 pages. Defendants' also request that plaintiff be permitted to file a memorandum in opposition not to exceed 30 pages.

12. The additional pages will serve the interests of judicial economy by allowing the parties to present their arguments fully and clearly.

**WHEREFORE**, defendants respectfully request the Court to grant the parties leave to file memoranda not to exceed 30 pages in length in connection with defendants' motion for summary judgment.

**Respectfully submitted,**

**D. MICHAEL FISHER**  
**Attorney General**

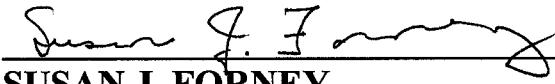
BY: *Susan J. Forney*  
**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**  
**I.D. No. 27744**

**Office of Attorney General**  
**Litigation Section**  
**15<sup>th</sup> Floor, Strawberry Square**  
**Harrisburg, PA 17120**  
**(717) 787-9831**

**DATED: April 9, 2002**

NON-  
**CERTIFICATE OF CONCURRENCE**

I hereby certify that on April 8, 2002, I called opposing counsel's office to seek concurrence in the foregoing motion. I left a message regarding said motion and have not heard anything in return.

  
**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>BARBARA A. WILHELM,</b>	:	
Plaintiff	:	
	:	
<b>v.</b>	:	<b>NO. 1:CV-01-1057</b>
	:	
<b>COMMONWEALTH OF PA.;</b>	:	<b>(JUDGE RAMBO)</b>
<b>PENNSYLVANIA STATE POLICE;</b>	:	
<b>COLONEL PAUL J. EVANKO,</b>	:	
<b>COMMISSIONER; LIEUTENANT</b>	:	
<b>COLONEL THOMAS K. COURY; and</b>	:	
<b>CAPTAIN MICHAEL. D. SIMMERS,</b>	:	
Defendants	:	

**CERTIFICATE OF SERVICE**

I, SUSAN J. FORNEY, Chief Deputy Attorney General, do hereby certify that on April 9, 2002, I caused to be served the foregoing **Motion to Exceed 15 Page Limit on Memorandum in Support of Defendants' Motion for Summary Judgment**, by depositing a copy of the same in the United States mail, first class, postage prepaid, to the following:

**Nathan C. Pringle, Jr., Esquire  
3601 N. Progress Avenue, Suite 200  
Harrisburg, PA 17110**

  
**SUSAN J. FORNEY**  
Chief Deputy Attorney General